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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA
(HONORABLE DANA M. SABRAW)

UNITED STATES OF AMERICA,)	CASE NO. 14CR2253-DMS
Plaintiff,)	DATE: October 7, 2022
)	TIME: 9:00 A.M.
v.)	
JUAN ALVAREZ INZUNZA,)	DEFENDANT'S SENTENCING
Defendant.)	MEMORANDUM

TO: RANDY GROSSMAN, UNITED STATES ATTORNEY,
DANIEL ZIPP, ASSISTANT UNITED STATES ATTORNEY

Mr. Inzunza, the defendant in this case, by and through counsel, Frederick M. Carroll, hereby files the following Sentencing Memorandum.

Although Mr. Inzunza has made a good effort to include all objections herein, he reserves the right to contest additional legal or factual matters at sentencing.

I.

STATEMENT OF FACTS

Mr. Inzunza adopts the facts reported to the probation officer, and which the probation officer recounted in the Presentence Report, as well as those detailed facts to which he plead guilty.

II.

CRIMINAL HISTORY

The parties and probation agree that Mr. Inzunza's criminal history category is I with 0 criminal history points and no prior exposure to the criminal legal system.

III.

PLEA AGREEMENT ADVISORY GUIDELINES CALCULATIONS

Although Mr. Inzunza does not believe that advisory guidelines calculations accurately reflect all of the mitigating factors in this case or advise an appropriate sentence for him, he agrees with and submits the guideline calculations contained in his written plea agreement and as echoed on page 13, paragraph 77 of the PSR, for the Court's reference.

A. The Court Should Adjust Downward Three Levels for Acceptance of Responsibility.

The parties and probation agree that Mr. Inzunza fully accepted responsibility and should receive a three-level reduction pursuant to § 3E1.1(b).

B. The Resulting Advisory Guideline Sentence

Mr. Inzunza is in criminal history category I. Combined with a resulting adjusted offense level of 37, the guideline range is still a staggering 210-262 months. Mr. Inzunza asks the Court to consider this information along with the following mitigating sentencing factors.

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IV.

18 USC 3553 SENTENCING FACTORS

A. Nature and Circumstances of the Offense

Mr. Inzunza submits on the statements made to the probation officer, as accurately reported in his PSR. Mr. Inzunza is a Mexican citizen who has never lived in the United States and knowingly and willingly awaits deportation after his conviction in this offense, and an immigration detainer remains outstanding. Mr. Inzunza, prior to his arrest in Mexico over six years ago, had a Mexican law practice that he established after completing law school in Mexico in 2004. PSR 11:64. As he graduated with a civil law degree, he enjoyed a general civil practice in Mexico, where he worked on whatever types of civil legal matters “came to him”. PSR 12:66. One such customer that came to him ultimately worked for the cartel. A series of small decisions to work with these people ultimately resulted in a situation where he could not extricate himself from his newfound employ—a situation he deeply regrets now.

B. History and Characteristics of the Defendant

Mr. Inzunza adopts the facts he reported to the probation officer as reflected in the Presentence Report. Specifically, Mr. Inzunza has never been in trouble with the law before and finds himself here now after following a terrible path he hoped would lead, ironically, to financial stability for himself and his family. The irony is that his efforts have, in fact, caused embarrassment, shame and financial hardship for his wife and family while he has been in custody on this—away from his family now for over 78 months.

Any good reputation and good will for his business as attorney has been shattered and he will have to start from scratch when he gets back to Mexico. Nonetheless, he hopes to use this opportunity to show his children how he can rebuild himself, his career and their trust in him. His fear and greed, he now sees, had him making a series of bad decisions, when he knew criminality was afoot. He is beyond humbled before the Court, knowing that he has inescapably moved his goals of family advancement back for some time to come through his poor decision making. He is ashamed of his offenses and understands the far-reaching harm he has helped to cause. Nonetheless, he is still a relatively young man at 40 years old, hopeful for the future and looking very much forward to completing his sentence and rejoining his family to show himself as a positive role model.

C. Mr. Inzunza's Medical Issues

As mentioned in the PSR, Mr. Inzunza used to be heavy to the point where it threatened his health and he ultimately had gastric bypass surgeries in 2011 and 2015. PSR 11:56. Just prior to his extradition to the United States in this matter, Mr. Inzunza was set to have a ligature removed from his stomach. PSR11:57. He suffers occasional but severe pain from this unattended removal issue. Additionally, as a result of his prior weight and the surgeries, Mr. Inzunza also suffers from Barret's Esophagus, a condition where holes develop in the esophagus, requiring medication to keep the holes from flaring and literally pulling the nearby innards into the holes resulting in severe pain. PSR 11:56. While incarcerated at GEO in San Diego, Mr. Inzunza was able to get some, albeit incomplete, medications for his conditions. Since his transfer several months ago

to San Luis, Arizona, his conditions have remained unaddressed and untreated, resulting in severe pain and discomfort regularly. He looks forward to moving facilities upon sentencing and designation so that he may serve his time in a facility with proper ability to address his medical issues. He asks the Court for a designation recommendation to the Southern District and Western Region to a facility with appropriate medical capabilities.

D. The Need for the Sentence Imposed

The need for the sentence is based upon the seriousness of the offense, the need for deterrence and protection of the community. While the offense for which Mr. Inzunza was convicted is no doubt serious, there is no need for the substantial further incarceration in this matter recommended by the Guidelines. Mr. Inzunza remains a good example of how the justice system can contribute to rehabilitation. As he will tell the Court at his Sentencing Hearing, his remorse and shame for his conduct is extreme. He realizes how miserable he has made life for his family and how he has ruined everything he helped build to provide for his family prior to this criminal conduct. He looks forward to rebuilding his life, lawfully, in Mexico after his deportation and showing his family that he can be the man and father he sought to be and that he can be trusted once again.

To that end, and combined with the significant time he has already served on this case, 2,388 days as of the Sentencing Hearing (See PSR p.2 note and Plea Agreement), many of the goals of sentencing have already been achieved. Mr. Inzunza's comments will confirm this point.

D. The Kinds of Sentences Available

As Mr. Inzunza is a Mexican citizen with an immigration detainer presently lodged, only custodial sentencing options are available.

E. Sentencing Recommendation

Based on the facts presented herein and contained in the Presentence Report, Mr. Inzunza respectfully requests that he be given a sentence of 97 months based on a combination of circumstances and mitigating factors under USSC 3553(a), as well as a consideration of avoiding unwanted sentencing disparity amongst like defendants. In this case, it is noteworthy that the defendant most seemingly like Mr. Inzunza, Mr. Castro, received a 97-month sentence. Probation noted the similar nature of the cases in the PSR. PSR 14:85. Mr. Inzunza concurs with the similarity and asks for a similar sentence, particularly taking into account the mitigating factors in this case, of 97 months.

Respectfully submitted,

DATED: September 30, 2022

/s/ Frederick M. Carroll
Frederick M. Carroll
Attorney for Mr. Inzunza